

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2008-0070
IN THE MATTER OF
SEELEY COUNTY WATER DISTRICT, OWNER/OPERATOR
SEELEY, IMPERIAL COUNTY

This Order to assess Administrative Civil Liability (ACL) pursuant to California Water Code (CWC) Section 13385 is issued to Seeley County Water District, based on a finding of violations of Waste Discharge Requirements (WDRs) Orders No. R7-2002-0126 and No. R7-2007-0036 (NPDES Permit No. CA0105023) and Cease and Desist Order (CDO) No. R7-2003-0072.

The Colorado River Basin Regional Water Quality Control Board (Regional Board) finds the following:

1. The Seeley County Water District (hereafter the Discharger) owns and operates a municipal wastewater treatment plant (WWTP) and corresponding collection and disposal systems, located at 1989 West Main Street, Seeley, CA 92273. The treatment system consists of a lift station, a drum screen, a bar screen, a "Clemson" aerated pond system with surface aerators, pressure sand filters, and an ultraviolet (UV) disinfection system.
2. The Discharger's WWTP is a publicly owned treatment works (POTW), and provides sewerage service to the town of Seeley. Wastewater is discharged from the Discharging Point 001 of the plant to the New River, a water of the United States, tributary to the Salton Sea, and within the Salton Sea Transboundary watershed.
3. CWC Section 13385(a) states, in part, that:

"Any person who violates any of the following shall be liable civilly in accordance with this section:...(4) Any order or prohibition issued pursuant to Section 13243 or Article 1 (commencing with Section 13300) of Chapter 5,..."
4. CWC Section 13385(c) states that:

"Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:

"(1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.

"(2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons."
5. CWC Section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each serious violation.

6. CWC Section 13385 (h)(2) states, in part, the following:

“For the purpose of this section, a ‘serious violation’ means any waste discharge that violates the effluent limitations ... for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.”

7. CWC Section 13385(i)(1) requires the Regional Board to assess MMP of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any period of six consecutive months:

- a. Violates a waste discharge requirement effluent limitation;
- b. Fails to file a report pursuant to Section 13260;
- c. Files an incomplete report pursuant to Section 13260; or
- d. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant specific effluent limitations for toxic pollutants.

8. CWC Section 13385(i)(2) states that:

“For the purposes of this section a ‘period of six consecutive months’ means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.”

9. CWC Section 13385(k) states:

“In lieu of assessing all or a portion of the MMP pursuant to subdivisions (h) and (i) against a POTW serving a small community, as defined by subdivision (b) of Section 79084, the State Board or the Regional Board may elect to require the POTW to spend an equivalent amount toward the completion of a compliance project (CP) proposed by the POTW, if the State or Regional Board finds all of the following:

- (1) The CP is designed to correct the violations within five years;
- (2) The CP is in accordance with the enforcement policy of the State Board; and
- (3) The POTW has demonstrated that it has sufficient funding to complete the CP.”

10. On February 19, 2002, the State Water Resources Control Board adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Policy). The Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. In accordance with Section X of the Policy, among other requirements, CPs proposed by the POTW must be designed to correct the violations in five years and also comply with the general conditions specified for CPs in the Policy.

11. The State Water Resources Control Board has determined that the Discharger’s POTW serves a small community as defined by CWC Section 13385 (kj) (2).

Violations of WDRs Board Order No. R7-2002-0126

12. On June 26, 2002, the Regional Board adopted WDRs Order No. R7-2002-0126 (NPDES Permit No. CA0105023), for Seeley County Water District, to regulate discharges of waste from the WWTP.

13. WDRs Board Order No. R7-2002-0126 contains the following effluent discharge limitations:

a. Effluent Limitation A.1.

Representative samples of wastewater discharged to the New River shall not contain constituent in excess of the limits indicated below:

30-Day Arithmetic Mean Discharge Rate for BOD₅ is 45 mg/L.

7-Day Arithmetic Mean Discharge Rate for BOD₅ is 65 mg/L.

b. Effluent Limitation A.3.

“The hydrogen ion (pH) of the effluent shall be maintained within the limits of 6.0 to 9.0”

b. Effluent Limitation A.4.

“Beginning on June 30, 2003, unless otherwise approve by the Regional Board’s Executive Officer, wastewater discharged to the New River shall not have a geometric mean *Escherichia coli* (E. coli) concentration in excess of 126 Most Probable Number (MPN) per 100 milliliters [based on a minimum of not less than five (5) samples for any 30-day period] nor shall any sample exceed 400 MPN per 100 milliliters. The compliance point for this effluent limitation shall be at location acceptable to the Regional Board’s Executive Officer or his designee.”

14. Provision E.5 of WDRs Board Order No. R7-2002-0126 states the following:

“The Discharger shall comply with Monitoring and Reporting Program (MRP) No. R7-2002-0126, and future revision thereto, as specified by the Regional Board’s Executive Officer.”

15. MRP No. R7-2002-0126 includes, in relevant part, the following effluent monitoring requirements for E. coli:

Constituent	Unit	Type of Sample	Sampling Frequency	Reporting Frequency
<i>Escherichia coli</i> (E. coli)	MNP/100 ml	Grab	Five Samples per Month ¹	Monthly

¹ Five Samples equally spaced over 30-day period with a minimum of one sample per week

16. MRP No. R7-2002-0126 specifies that the Discharger submit quarterly sampling results of receiving waters.

17. On May 7, 2003, the Regional Board Executive Officer issued ACLC No. R7-2003-0024 proposing that the Discharger pays \$27,000 for violations from April 10, 2001 to June 30, 2002. On May 29, 2003, the Discharger proposed the implementation of a CP by using the grant money of \$44,000 and a loan amount of \$633,300 from US Department of Agriculture Agency (USDA). Ultimately, the CP was approved on June 30, 2003 with a secured funding amount of \$719,000 from USDA.
18. On February 2, 2004, the Regional Board Executive Officer issued ACLC No. R7-2004-0027 proposing that the Discharger pays \$27,000 for violations from April 10, 2001 to June 30, 2002. This ACLC superseded ACLC No. R7-2003-0024. The said ACLC was finalized in ACL Order No. R7-2004-0023 adopted on March 30, 2004. The CP phases included the construction of a new WWTP to be completed by December 31, 2006.
19. On January 10, 2005, ACLC No. R7-2005-0013 was drafted for BOD and pH violations of Board Order R7-2002-0126 from January 6, 2004 to June 30, 2004. The ACL amount was assessed at \$27,000. The draft was sent to the Discharger on request.
20. On February 17, 2005, the Discharger requested that the entire assessed liability amount be waived due to financial hardship.
21. On February 23, 2005, Regional Board responded to the Discharger's request that a waiver due to financial hardship cannot be granted. ACLC-MMP provisions are required by CWC Section 13385(h) and (i) for specific violations of NPDES permits. Upon receiving an ACLC-MMP the Discharger(s) may waive its rights to a public hearing and pay the liability or appear at the Regional Board meeting to dispute the Complaint. There are no other provisions to authorize the Regional Board to waive the penalties. Exceptions to the imposition of the MMPs are provided for NPDES permit violations that are caused by act of war, by grave natural disasters or by intentional set of a third party (CWC Section 13385(j)).
22. In a letter on March 18, 2005, the Discharger proposed to use its investment funds for the CP. Without settling the ACLC the Discharger went ahead on its own to implement the proposal to install an Ultraviolet (UV) disinfection system, rather than an emergency stand-by generator as required to be completed by the ACL Order No. R7-2004-0023. Based on the foregoing, the violations and their corresponding MMP addressed by ACL Complaint No. R7-2005-0013 remains outstanding.
23. Further, subsequent self-monitoring reports submitted by the Discharger for the period covering from July 1 to 31, 2004 show that Discharger violated the effluent limitations of BOD cited in No. 13, above, which also subject the Discharger to MMP liability and remain outstanding.
24. From January 2003 to June 2005, the Discharger submitted quarterly reports of receiving waters either late or incomplete. Notices of Noncompliance were sent on 5/29/2003, 6/6/2003, 8/11/2004, 9/7/2004, and 3/23/2005. These MRP violations are not subject to a MMP and will therefore not be included in Attachment "A"; however, the maximum liability available to the Regional Board per CWC 13385(c) for the incomplete reporting violation is \$10,000 per day.
25. This Order addresses all of the outstanding MMP violations. Attachment "A," which is made part of this ACLC by reference, contains a summary of the violations of Board Order R7-2002-0126 that are addressed in this Order.

26. The total amount of the MMP for the violations of Board Order No. R7-2002-0126 specified in Finding No.13, above, is forty-eight thousand dollars (\$48,000). The Board has not assessed the required MMP liability for those violations. Therefore, this Order addresses those violations.

Violation of Cease and Desist Order (CDO) No. R7-2003-0072

27. On September 3, 2003, the Regional Board adopted Cease and Desist Order (CDO) No. R7-2003-0072, requiring the Discharger to complete construction of a new WWTP to correct the violations of Board Order No. R7-2002-0126 in accordance with a series of tasks and time schedule. CDO No. R7-2003-0072 provides in substantive relevant part for the Discharger to comply with the as following:

Milestone	Milestone Description	Milestone Submittal	Completion Date
1.	Complete Final Design of New Wastewater Treatment Plant	Submit a Copy of Final Design Drawings to the Regional Board	May 1, 2004
2	Complete the Pollution Prevention Plan	Submit a Copy of the Pollution Prevention Plan to the Regional Board	December 1, 2004
3	Complete Construction of the Wastewater Treatment Plant	Submit Summary and Verification of Construction Completion	December 1, 2005 (Actual: 3/30/2005)
4	Disinfection System shall be Functional and in Compliance with Effluent Limitation No. A.4 of Board Order No. R7-2002-0126	Submit a Summary and Verification of Compliance with Effluent Limitation No. A.4 of Board Order No. R7-2002-0126	January 1, 2006 (Actual: 5/15/2007)

28. CDO No. R7-2003-0072 also states on Page 5 that:

“If in the opinion of the Regional Board’s Executive Officer, the Discharger fails to comply with this Order, the Regional Board’s Executive Officer may issue a complaint against the Discharger under Article 2.5 Chapter 5, Division 7 of the California Water Code, and seek the appropriate administrative civil liability and/or request the Attorney General to take appropriate actions against the Discharger including injunction and civil monetary liability as deemed appropriate.”

29. The Discharger completed the construction of the WWTP (Milestone No. 3) on March 30, 2005, eight months early than the required completion date (December 1, 2005), but failed to submit verification of compliance with Effluent Limitation No. A.4 of Board Order No. R7-2002-0126 (Milestone Submittal No. 4), by the deadline imposed by the CDO. Each day the milestone was late constitutes a daily violation of the CDO No. R7-2003-0072.
30. Pursuant to CWC Section 13385(c), the maximum liability available for the Regional Board for assessment for Milestone report 4 that was submitted 500 days late by the Discharger is \$5,000,000 (500 days x \$10,000 per day). This Order addresses the CDO violations.

Violations of WDRs Board Order No. R7-2007-0036

31. On September 19, 2007, the Regional Board adopted WDRs Order No. R7-2007-0036 (NPDES Permit No. CA0105023), for Seeley County Water District, to regulate discharges of waste from the WWTP. This Board Order supersedes Board Order No. R7-2002-0086.

32. WDRS Order No. R7-2007-0036 contains the following discharge limitations, in part:

Effluent Limitation A.1. d:

“**Bacteria:** The bacterial concentrations in the wastewater effluent discharged to the New River shall not exceed the following concentrations, as measured by the following bacterial indicators:

- i. **E. Coli.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126 MPN per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 400 MPN per 100 milliliters.
- ii. **Enterococci.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 33 MPN per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 100 MPN per 100 milliliters.
- iii. **Fecal Coliform.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 200 MPN per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed 400 MPN per 100 milliliters.”

33. Provision B, Monitoring and Reporting Program Requirements, of WDRs Board Order No. R7-2007-0036 states the following:

“The Discharger shall comply with the MRP requirements and future revisions thereto, in Attachment E of this Order.”

34. MRP No. R7-2007-0036 includes, in relevant part, the following effluent monitoring requirements for *E. coli*, Enterococci and fecal coliform:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Enterococci	MPN ¹ /100 ml	Grab	5x/Month ²	See Footnote ³
<i>Escherichia coli</i> (<i>E. coli</i>)	MPN ¹ /100 ml	Grab	5x/Month ²	See Footnote ³
Fecal Coliform	MPN ¹ /100 ml	Grab	5x/Month ²	See Footnote ³

¹ MPN = Most Probable number.

² Five samples equally spaced over a 30-day period with a minimum of one sample per week.

³ Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136; for priority pollutants,

the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP, included as Attachment H. Where no methods are specified for a given pollutant, the methods must be approved by this Regional Water Board or the State Water Board.

35. Monitoring reports submitted by the Discharger showed that the wastewater discharged from Seeley County Water District WWTP was in violation of its WDRs cited in No. 31 above.
36. Attachment "B," which is made part of this ACL Order by reference, contains a summary of the violations of Board Order R7-2007-0036.
37. The total amount of the MMP for the violations of Board Order No. R7-2007-0036 specified in Finding No. 31, above, is thirty-nine thousand dollars (\$39,000). The Board has not assessed the required MMP liability for those violations. Therefore, this Order addresses those violations.

SUMMARY

38. The Regional Board has the option of assessing liability to the Discharger using the MMPs pursuant to CWC Section 13385(h) and (i) for violations of the NPDES permit, or it may consider a wider array of factors pursuant to CWC Section 13385(c) for violations of the both the NPDES permit and the 2003 CDO.
39. On August 14, 2008, the Regional Board Assistant Executive Officer issued ACLC No. R7-2008-0025 for violations of Waste Discharger Requirements specified in Board Order No. R7-2002-0126 and CDO No. R7-2003-0072. However, since December 2007 until the present, numerous additional violations of Board Order No. R7-2007-0036 have been verified. Therefore, the Assistant Executive Officer, pursuant to the enforcement authority delegated, rescinded ACLC No. R7-2008-0025 on September 23, 2008, and issued this ACLC No. R7-2008-0066 that incorporates the new violations with the previous ones.
40. The minimum liability the Regional Board must assess against the Discharger for each chronic violation of Board Order No. R7-2002-0126 and Board Order No. R7-2007-0036 shown in Attachments "A" and "B", which is made a part of this ACL Order by reference, is eighty-seven thousand dollars (\$87, 000).
41. CWC Section 13327 states:

"In determining the amount of civil liability, the regional board, and the state board upon review of any order pursuant to Section 13320, shall take into consideration the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require."
42. On September 25, 2008, the Regional Board Assistant Executive Officer issued ACL Complaint No. R7-2008-0066, proposing that the Discharger pays one hundred two thousand dollars (\$102,000) in ACL for the violations. The liability amount consists of an MMP of \$87,000, a \$5,000 penalty for violation of the CDO, and staff costs of \$10,000 (80 hours x

\$125 per hour). The amount of the liability is based on a review of the factors cited in Finding No. 41, above, and the Enforcement Policy.

43. On October 15, 2008, the Discharger proposed the implementation of a CP described in Attachment "C" which is made a part of this Order by reference. Regional Board staff approved this CP as proposed.
44. The Regional Board has notified the Discharger and the general public of its intent to hold a hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a hearing under CWC Section 13323(b). By letter dated October 15, 2008, the Discharger waived its right to a hearing on this matter (see Attachment "C").
45. The Regional Board heard and considered all comments pertaining to this matter in a public meeting.
46. Issuance of this Order is exempt from the provision of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.
47. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with CWC Section 13320 and California Code of Regulations, Title 23, Sections 2050 and following. The State Water Board must receive the petition no later than 5:00 p.m., thirty (30) days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality. Copies will also be provided upon request.

IT IS HEREBY ORDERED, pursuant to CWC Section 13385, the Discharger is assessed \$102,000 in ACL for the violations set forth in Attachments "A" and "B". In lieu of paying an ACL penalty in the amount of one hundred two thousand dollars (\$102,000), the Discharger shall implement the proposed CP described in Attachment "C" in accordance with the following:

1. The Discharger shall comply with the State Board Enforcement Policy relating to implementation of CPs.
2. The CP shall be implemented in accordance with the time schedule stipulated in Attachment "D", attached to and made a part of this Board Order by reference. The Regional Board Executive Officer may modify the stipulated completion date and approve an alternative completion date for each phase of the CP if he determines that a delay is necessary for a timely return of the Discharger to full and sustained compliance with its WDRS and is beyond the reasonable control of the Discharger. Under no circumstances may the completion date extend beyond 5 years from the date of this Order.
3. If the Discharger completes a stipulated phase of the CP to the satisfaction of the Executive Officer by the approved date, the corresponding portion of the ACL penalty indicated in Attachment "D" shall be permanently suspended. Similarly, if the Discharger fails to complete any stipulated phase of the CP to the satisfaction of the Executive Officer by the approved

date, and the Executive Officer has not approved an extension in the completion date, the corresponding portion of the ACL penalty shall become due and payable by the Discharger within 30 days of being so informed in writing.

4. Previously suspended amounts do not relieve the discharger of the independent obligation to take necessary actions to achieve compliance.
5. Completion of each stipulated phase and the whole CP shall be certified in writing by the Executive Officer. No portion of the ACL penalty shall be suspended without a written certification issued by the Executive Officer.
6. The Discharger shall implement Monitoring and Reporting Program No. R7-2008-0070 and revisions thereto.
7. The Discharger shall submit all unsuspended ACL penalty amounts, made payable to the "State Water Pollution Cleanup and Abatement Account," to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
Attn: Hilda Vasquez
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on November 19, 2008.


ROBERT PERDUE, Executive Officer

ATTACHMENT "A"

Summary of Violations of Board Order No. R7-2002-0126 and Mandatory Minimum Penalties (MMP)

Violation ID¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
217647	06/30/2002	Exceeded 30-day average for BOD ₅ Limitation = 45 mg/L Reported value = 75.8 mg/L	Yes	Assessed in ACLO No. R7-2004-0023
217648	06/30/2002	Did not meet the 30-day average % removal for BOD ₅ ; Minimum rate of removal = 65%; Reported value = 56.8%	No	Assessed in ACLO No. R7-2004-0023
217649	06/30/2002	Did not meet the 30-day average percent removal for TSS; Minimum rate of TSS removal = 65%; Reported value = 21%	No	Assessed in ACLO No. R7-2004-0023
202147	08/24/2002	Exceeded 7-Day mean for BOD ₅ Limitation = 65 mg/L Reported = 89 mg/L	No	3,000
245915	07/09/2003	Exceeded pH unit; Limited value: 9.0 Reported value: 9.16	No	0 ²
245916	07/31/2003	Did not meet the 30-day average percent removal for TSS; Minimum rate of TSS removal = 65%; Reported value = 60%	No	0 ²
245944	09/24/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported 198,630 MPN/100 mL	No	0 ³
245920	09/30/2003	Exceeded chronic toxicity >16.0 TUc units for <i>Ceriodaphnia Dubia</i> (reproduction) in 3 rd Quarter 2003	No	0 ³
251054	10/14/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =630 MPN/100 mL	No	0 ³
251057	10/22/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =1,080 MPN/100 mL	No	0 ³
251123	10/31/2003	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 405.6 MPN/100 mL	No	0 ³
251129	11/04/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =850 MPN/100 mL	No	0 ³
251191	11/18/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =860 MPN/100 mL	No	0 ³
251192	11/25/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =538 MPN/100 mL	No	0 ³
251193	11/30/2003	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 356 MPN/100 mL	No	0 ³

¹ California Integrated Water Quality System (CIWQS)

² This is a supporting violation

³ Exempt from MMP pursuant to CWC Section 13385(j); interim effluent limit for E. coli: 160,000 MPN/100 mL.

Violation ID¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
251128	11/30/2003	Exceeded 7-Day mean for BOD ₅ Limitation = 65 mg/L Reported = 69.0 mg/L	No	0 ²
251194	12/02/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =985 MPN/100 mL	No	0 ³
251195	12/08/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =9,804 MPN/100 mL	No	0 ³
251196	12/16/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =5,475 MPN/100 mL	No	0 ³
251258	12/24/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =1,300 MPN/100 mL	No	0 ³
251259	12/30/2003	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =700 MPN/100 mL	No	0 ³
251260	12/31/2003	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 2,170 MPN/100 mL	No	0 ³
251261	01/06/2004	Exceeded 7-Day mean for BOD ₅ Limitation = 65 mg/L Reported = 76.0 mg/L	No	3,000
251262	01/06/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =2,200 MPN/100 mL	No	0 ³
251263	01/20/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =5,000 MPN/100 mL	No	0 ³
251264	01/26/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported =1,300 MPN/100 mL	No	0 ³
251265	01/29/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 800 MPN/100 mL	No	0 ³
251312	01/29/2004	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 1,839 MPN/100 mL	No	0 ³
251314	02/10/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 1,100 MPN/100 mL	No	0 ³
251313	02/29/2004	Exceeded 30-day mean effluent BOD ₅ Limitation = 45 mg/L Reported = 48.5 mg/L	No	3,000
251782	03/02/2004	Exceeded 7-Day mean for BOD ₅ ; Limited = 65 mg/L; Reported = 81.0 mg/L	No	3,000
251784	03/09/2004	Exceeded 7-day effluent BOD ₅ Limitation = 65 mg/L Reported = 78.8/ mg/L	No	3,000

Violation ID¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
251780	03/16/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 1,700 MPN/100 mL	No	0 ³
251787	03/31/2004	Exceeded 30-day mean effluent BOD ₅ Limitation = 45 mg/L; Reported = 57.6 mg/L	No	3,000
251781	03/31/2004	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 163 MPN/100 ml	No	0 ³
196732	04/30/2004	Exceeded 30-day mean effluent BOD ₅ Limitation = 45 mg/L Reported = 53.5mg/L	No	3,000
251184	05/12/2004	Exceeded 7-day effluent BOD ₅ Limitation = 65 mg/L Reported = 96.0 mg/L	Yes	3,000
251190	05/19/2004	Exceeded 7-day effluent BOD ₅ Limitation = 65 mg/L Reported = 91.5 mg/L	Yes	3,000
251233	05/26/2004	Exceeded 7-day effluent BOD ₅ Limitation =65 mg/L Reported = 69.0 mg/L	No	3,000
251240	05/31/2004	Exceeded 30-day effluent BOD ₅ Limitation =45 mg/L Reported = 67.9 mg/L	Yes	3,000
249977	06/18/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 800 MPN/100 mL	No	0 ³
249978	06/23/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 900 MPN/100 mL	No	0 ³
249979	06/30/2004	Exceeded the upper effluent pH limit of 9.0; Reported pH = 9.52	No	3,000
249980	06/30/2004	Exceeded 7-day effluent BOD ₅ Limitation = 65 mg/L; Reported = 78.0 mg/L	No	3,000
265589	07/14/2004	Exceeded 7-day effluent BOD ₅ Limitation = 65 mg/L Reported = 132.0 mg/L	Yes	3,000
265590	07/21/2004	Exceeded 7-day effluent BOD ₅ Limitation = 65 mg/L Reported = 111mg/L	Yes	3,000
265593	07/08/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 9,000 MPN/100 mL	No	0 ³
265619	07/14/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
265652	07/16/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 2,200 MPN/100 m	No	0 ³

Violation ID¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
265653	07/19/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 500 MPN/100 mL	No	0 ³
265672	07/26/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 3,000 MPN/100 mL	No	0 ³
265591	07/31/2004	Exceeded 30-day mean effluent BOD ₅ Limited = 45 mg/L; Reported = 70.9 mg/L	Yes	3,000
267310	08/18/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 2,400 MPN/100 mL	No	0 ³
258476	10/07/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
258477	10/13/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
258478	10/19/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
258479	10/25/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
258480	10/27/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 900 MPN/100 mL	No	0 ³
258475	10/31/2004	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 6,438 MPN/100 mL	No	0 ³
261222	11/01/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
261223	11/23/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
261221	11/30/2004	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 201 MPN/100 mL	No	0 ³
263124	12/09/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 900 MPN/100 mL	No	0 ³
263148	12/15/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
263149	12/22/2004	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
263156	12/31/2004	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli. Reported = 2,698 MPN/100 mL	No	0 ³

Violation ID¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
266783	01/05/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
266784	01/11/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
266785	01/19/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 5,000 MPN/100 mL	No	0 ³
266786	01/26/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
266828	01/31/2005	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 11,962 MPN/100 ml	No	0 ³
267298	02/02/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
267299	02/10/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 1,300 MPN/100 mL	No	0 ³
267300	02/16/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
267301	02/22/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 500 MPN/100 mL	No	0 ³
267297	02/28/2005	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 2,186 MPN/100 ml	No	0 ³
267250	03/08/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 3,000 MPN/100 mL	No	0 ³
267251	03/09/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 1,300 MPN/100 mL	No	0 ³
267252	03/15/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 800 MPN/100 mL	No	0 ³
267253	03/18/2005	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ³
267249	03/31/2005	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 1,319 MPN/100 mL	No	0 ³
365413	01/09/2006	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ²
365415	01/17/2006	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 16,000 MPN/100 mL	No	0 ²

Violation ID¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
365416	01/31/2006	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 193 MPN/100 mL	No	0 ²
580052	12/20/2006	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 1,700 MPN/100 mL	No	0 ²
580051	12/13/2006	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 1,300 MPN/100 mL	No	0 ²
580053	12/31/2006	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 132 MPN/100 mL	No	0 ²

Accrued Mandatory Minimum Penalty: \$48,000

ATTACHMENT "B"

Summary of Violations of Board Order No. R7-2007-0036 and Mandatory Minimum Penalties (MMP)

Violation ID¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
767298	12/26/2007	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 1,600 MPN/100 mL	No	0 ²
767302	12/26/2007	Exceeded >400 MPN/100 mL for fecal coliform during the month. Reported = 1,600 MPN/100 mL	No	0 ²
767229	02/21/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci Reported = 200.5 MPN/100 mL	No	0 ²
767281	03/06/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci Reported = 129.8 MPN/100 mL	No	3,000
767283	03/11/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci Reported = 200.5 MPN/100 mL	No	3,000
775401	05/01/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci Reported = 200.5 MPN/100 mL	No	3,000
775402	05/08/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci Reported = 144.5 MPN/100 mL	No	3,000
775404	05/13/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci Reported = 200.5 MPN/100 mL	No	3,000
775405	05/20/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci and 400 MPN/100mL for E. coli. Reported = 200.5 MPN/100 mL and 500 MPN/100 mL, respectively.	No	3,000
775407	05/31/2008	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = >400 MPN/100 mL	No	3,000
775408	05/31/2008	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for fecal coliform Reported = 139.9 MPN/100 mL	No	3,000
784797	06/04/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci Reported = 200.5 MPN/100 mL	No	3,000
784800	06/09/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci Reported = 200.5 MPN/100 mL	No	3,000
784801	07/01/2008	Exceeded daily maximum limit of 100 MPN/100 mL for Enterococci Reported = 200.0 MPN/100 mL	No	3,000
784803	07/23/2008	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for E. coli Reported = 500 MPN/100 mL	No	3,000
			Serious Violation	Amount

Violation ID ¹	Date Occurred	Description of Violation	Defined by CWC 13385(h)	Assessed Dollars (\$)
784804	07/31/2008	Exceeded 30-day geometric mean limit of 126 MPN/100 mL for fecal coliform Reported = >400 MPN/100 mL	No	3,000

Accrued Mandatory Minimum Penalty: \$39,000

ATTACHMENT "C"

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ROCKY WTS

PAGE 01

SEELEY COUNTY WATER DISTRICT

P.O. Box 161 Seeley CA 92273
Tele (760)352-6612
Fax (760)352-0589



October 15, 2008

Jose L. Angel
Assistant Executive Officer
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

RE: Administrative Civil Liability Complaint (ALC) R7-2008-0066

Dear Mr. Angel,

This letter is to request a settlement proposal that includes an agreement to implement a Compliance Project designed to correct the violations in lieu of the entire amount of the proposed liability.

Seeley County Water District has secured funding in the amount of \$1.2 million from the United States Department of Agriculture (USDA) to complete certain improvements at the wastewater treatment plant. The improvements include the installation of an emergency generator, replacement of the existing lift station, gravity and forcemain pipelines.

The estimated construction cost of the emergency generator alone is \$100,000. The engineering (electrical, structural) is estimated to be \$10,000 for the generator. The installation of the emergency generator will prevent plant shutdown during electrical outages, keeping the plant within the effluent limitations at all times. This compliance project is designed to correct the violation of not having a generator at the wastewater treatment plant.

The funding agency has given an oral approval to include another Ultra Violet unit with this project to keep the system in compliance with the bacterial effluent limitations. This unit is estimated to be \$150,000 installed, with an additional \$8,000 in engineering fees. This will be added to the project. The total proposed compliance project is now \$268,000.

Seeley is in the engineering phase of the project. Funding has already been secured, and it is anticipated that the project will go to public bids on January 2008. The construction phase will be 180 days. It is anticipated that the project will be complete on July 2009. Attached is a cost estimate of the project, and the funding commitment letter from the USDA.

If you have any questions, please contact me.

Thank you,



Rocky Vandergriff
Board President
SCWD



Committed to the future of rural communities.

**United States Department of Agriculture
Rural Development
California
www.rurdev.usda.gov/ca**

June 5, 2008

Mr. Rocky Vandergriff
President
Seeley County Water District
P.O. Box 161
Seeley, CA 92273

Dear Mr. Vandergriff:

We are pleased to provide you with a copy of Form RD 1940-1, "Request for Obligation of Funds." This form indicates a Rural Development subsequent Colonia grant in the amount of \$1,200,000 has been obligated to the Seeley County Water District to construct a new lift station to replace the existing Mount Signal Lift Station.

You are required to comply with the Letter of Conditions dated May 23, 2008 and any amendments thereafter. All of the requested material should be submitted to the USDA Rural Development Sub-Area Office located at:

USDA Rural Development
177 N. Imperial Avenue
El Centro, CA 92243
Phone (760) 352-4418

Please advise us if you have questions or need clarification on the Letter of Conditions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janice L. Waddell".

JANICE L. WADDELL
Community Programs Director

Attachment(s)

Cc: Area Director, Indio Area Office (without attachment(s)).
Community Programs Loan Specialist, El Centro Sub-Area Office (with attachment(s)).

430 G Street • Agency 4169 • Davis, CA 95616
Phone: (530) 792-5800 • Fax: (530) 792-5837 • TDD: (530) 792-5848

Committed to the future of rural communities

Rural Development is an Equal Opportunity Lender, Provider, and Employer. Complaints of discrimination should be sent to USDA, Director, Office of Civil Rights, Washington, D. C. 20250-9410

